

Notice of Allowability

Application No.

09/491,747

Examiner

Stefano Karmis

Applicant(s)

KONIA, BRAD S.

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendment filed 31 July 2006.
2. ☒ The allowed claim(s) is/are 1-22, ~~26~~ and 27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. The following communication is in response to Applicant's filed 31 July 2006.

Status of Claims

2. Claims 1-22, 26 and 27 are currently pending.

Response to Arguments

3. Applicant's arguments, filed 31 July 2006 with respect to the rejection claims 1-22, 26 and 27 have been fully considered and are persuasive. Therefore the rejection of claims 1-22, 26 and 27 under Fisher et al., Brett and Davis et al. has been withdrawn.

Allowable Subject Matter

4. The following is an examiner's statement of reasons for allowance:

The prior art of record (Davis et al., U.S. Patent 6,269,361) teaches a system and method for influencing a position on a search result list generated by a computer network search engine (Abstract). The network information provider influences a position for a search listing in the provider's account by first selecting a search term relevant to the content of the web site or other information source to be listed (Abstract). Davis teaches that a rank value is assigned through a process that establishes an association between the bid amount, the rank and the search term of the search listing (column 18, lines 4-36). The highest bid amount receives the highest rank value, the next highest bid receives the second highest rank value (column 18, lines 4-36).

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The prior art of record (Fisher et al., U.S. Patent 5,835,896) teaches a method and system for processing and transmitting electronic auction information comprising receiving bid management data from a first bidder for managing bidding by the bidder in the auction the received bid management information including a selected position of priority (column 6, lines 31-45); checking for if a second bidder hold the selected position of priority, and checking for whether a first bid from the first bidder exceeds a second bid from a second bidder in an auction for determining continuing priority for providing an ongoing service for the first and second bidder, wherein the relative priority for the providing service for the first bidder is dependent on whether the value of the first bid exceeds the value of the second bid, and wherein the relative priority for providing the service for the second bidder is dependent on whether the value of the second bid exceeds the value of the first bid (column 10, lines 6-28 and column 11, lines 21-43). Fisher checks for whether a first bid is higher than needed to maintain the selected position (in this case, the highest ranking position) of priority the first bidder wishes to maintain in the auction, and if the first bid is higher than needed to maintain the selected position of priority that the first bidder wishes to maintain in the auction, automatically reducing the first bid to a minimum which allows the bidder to keep the selected position of priority (column 9, lines 17-35 and column 12, line 63 thru column 13, line 8 and Figure 3).

The prior art of record fails to teach a method for automatically managing an auction for determining relative priority of a service in a system wherein priority is based on the relative value of related bids, comprising: an auction having at least two or more positions of priority, the received bid management data including information for selecting one of the two or more

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positions of priority that the first bidder wishes to maintain and automatically incrementing a first bid to a value exceeding the second bid if the first bid not exceed the second bid, to thereby maintain the selected position of priority and automatically reducing a first bid to a minimum which allows the bidder to keep a selected position of priority as discussed in the specification on page 5, line 20 thru page 7, line 7. For these reasons, claim 1 is deemed to be allowable over the prior art of record. Independent claim 11 is allowed for reasons similar to claim 1. Claims 2-10, 12-22, 26 and 27 are allowed based on their dependency.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

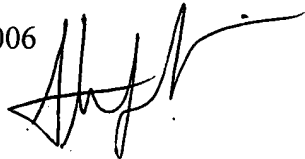
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
Stefano Karmis
10 November 2006



HANI M. KAZIMI
PRIMARY EXAMINER